

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANGELL RANCH, Co.,

Plaintiff,

v.

No. CIV 15-1028 GBW/LAM

**SHANNON O'HAIR, *doing business as*
O'HAIR CATTLE COMPANY,**

Defendant.

SECOND ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. On March 7, 2016, the Court entered an Order to Show Cause why this case should not be dismissed for failure to serve Defendant. [Doc. 3]. Plaintiff responded to the Order to Show Cause and asked for an extension of time to effect service [Doc. 5], which the Court granted and extended Plaintiff's deadline to May 10, 2016 to effect service [Doc. 7]. On May 10, 2016, Plaintiff asked for an extension of time to August 8, 2016 to effect service [Doc. 8], which the Court granted [Doc. 9]. That date has now passed and it does not appear that service has been effected on Defendant, and no action has been taken by Plaintiff in this case since May 10, 2016. Under the Local Rules of this Court, "[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward." D.N.M. LR-Civ. 41.1. In addition, Federal Rule of Civil Procedure 4(m) provides in part that "[i]f a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time."

IT IS THEREFORE ORDERED that, **within thirty (30) days of the entry of this Order**, this case will be dismissed without prejudice unless Plaintiff either effects service or provides the Court with a written explanation showing good cause why service has not been made.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE